

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

No Claims are currently being amended. No Claims are being added. Claims 32-39 have been withdrawn from consideration as a result of the restriction requirement contained in the Office Action of August 13, 2003 on the present application. The restriction requirement was timely traversed by applicant in a Response to Restriction Requirement filed September 4, 2003. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

In the Office Action of December 23, 2003, Claims 1, 2, 4-12, 16-24, and 26-31 were rejected under 35 U.S.C. § 103(a) in light of various references cited by the Examiner. Reconsideration of the rejection of those Claims as being unpatentable under 35 U.S.C. § 103(a) in light of the references cited by the Examiner is respectfully requested for the reasons discussed below.

The Examiner's determination that Claims 3, 13-15, and 25 would be allowable if rewritten in independent form is noted with appreciation. However, those claims have not been rewritten pending a final determination of patentability of Claims 1, 11, and 23 from which Claims 3, 13-15, and 25 indirectly depend.

In the Office Action of December 23, 2003, Claim 1 was rejected as being unpatentable under 35 U.S.C. § 103(a) over U.S. Pat. No. 4,380,183 to Greynolds, et al. (“Greynolds”) in view of U.S. Pat. No. 4,294,316 to Hedley, et al. (“Hedley”). However, applicant respectfully submits that the combination of the Greynolds and Hedley references does not establish a prima facie case of obviousness of Claim 1 for at least four reasons.

First, it is respectfully submitted that Hedley is not analogous prior art to the field of applicant’s invention. Hedley discloses a sod cutting and stacking machine, used in landscaping and sod farming applications to peel strips of sod from the ground and then cut and stack the sod onto a pallet. Applicant’s invention is in the field of plastic thermoforming equipment generally, and feeding of thermoformed plastic sheet material in particular. Thus, the field of Hedley, sod farming and landscaping, is clearly not the same field of endeavor as plastic thermoforming equipment.

Further, not only is Hedley in a different field of endeavor, it is respectfully submitted that Hedley is not reasonably pertinent to the particular problems with which applicant’s invention is concerned. Applicant’s invention addresses particular problems associated with plastic thermoforming equipment including, for example, scratching of the plastic material, generation of plastic dust, stretching of the plastic material, and reduced setup time.

In contrast, minor damage to sod resulting from handling, such as scratching, generation of dust, or stretching, has little or no effect on the value of the sod. Any scratching, dust, stretching, or other minor damage would not be evident in a material like sod that has naturally occurring variations. Because sod is a living material, any minor damage to sod quickly repairs itself when the sod is placed in its final location. Further, since one field

of sod is more or less the same as any other field of sod, setup time is not a concern in the field of sod cutting. Because the problems with which applicant's invention is concerned do not appear in the field of sod cutting, it is respectfully submitted that the field of sod cutting would not have logically commended itself to an inventor seeking solutions to problems in the field of plastic thermoforming equipment.

Thus, Hedley is not in the field of applicant's invention, nor is Hedley reasonably pertinent to applicant's invention. For these reasons, it is respectfully submitted that Hedley does not constitute analogous prior art, and the rejection of Claim 1 under 35 U.S.C. §103(a) over the combination of Greynolds and Hedley is therefore improper. *In re Clay* 966 F.2d 656 (Fed. Cir. 1992).

Second, it is respectfully submitted that the Office Action has not identified any suggestion or motivation to combine the Greynolds device with features of the Hedley device to form applicant's invention of Claim 1, where the suggestion or motivation to combine is found in the prior art and not as a result of impermissible hindsight using applicant's disclosure. Thus, even hypothetically assuming that Hedley would constitute analogous prior art that could properly be combined with Greynolds, that combination would still be improper. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

The Office Action asserts that it "would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the endless belt conveyor as taught by Hedley in order to obtain a device that reduce the friction between the sheets and the transfer device and increase the productivity."

However, the Office Action has not shown that the prior art teaches any such motivation to modify the device of Greynolds with the conveyor of Hedley. Further, without friction, an endless loop conveyor belt would not work as a transfer device to carry a sheet of thermoformed plastic sheet material, because the friction between the conveyor belt and the sheet of thermoformed plastic material provides the necessary force to move the sheet of thermoformed plastic along. Reducing friction between the sheet of thermoformed plastic sheet material and the conveyor belt would eventually result in slippage or dragging of the thermoformed plastic sheet on the conveyor belt surface. Any such slippage or dragging could cause scratching of the thermoformed plastic sheet material, which would exacerbate rather than solve the problems addressed by applicant's invention.

Thus, there would be no motivation to combine the Greynolds and Hedley references for the purpose cited by the Office Action, to "reduce the friction between the sheets and the transfer device," because reducing this friction would not necessarily be desirable. Further, even if it were desirable to "reduce the friction between the sheets and the transfer device," the Office Action has not shown where that suggestion or motivation to combine is found in the prior art and not as a result of impermissible hindsight using applicant's disclosure.

Third, it is respectfully submitted that combining the Greynolds device with the conveyor belt of Hedley would necessarily change the principle of operation of the device of Greynold. In such a case, the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810 (CCPA 1959).

As discussed in U.S. Pat. No. 4,306,474 to Arends et al. ("Arends," which is incorporated into Greynolds by reference and of record in this application), the oscillating

canopy (18) that is the “transfer device” in Greynolds includes “rollers ... mounted for rotation in one direction only, this direction being that in which the rollers can roll relative to the sheet on the return stroke of the canopy” (Abstract of Arends). The device of Greynolds uses this “reciprocating feed mechanism” (Greynolds, col. 2, lines 33-35), in which an oscillating canopy moves back and forth to “feed the sheet with the integrally formed articles to the die in step-by-step movement synchronized with the die reciprocation” (Greynolds, col. 1, lines 15-20). On the forward stroke of the oscillating canopy, the friction between the non-rotating rollers moves the sheet forward one step. On the reverse stroke of the oscillating canopy, the rollers rotate and the oscillating canopy moves without friction underneath the sheet in preparation for the next forward stroke.

Thus, the principle of operation of Greynolds is a reciprocating feed mechanism with a reciprocating canopy having a high level of friction in the forward stroke and a low level of friction on the reverse stroke to provide step-by-step movement of a sheet of thermoformed plastic into a die. The principle of operation of an endless conveyor belt, such as the conveyor belt of Hedley, is continuous movement that provides a continuous flow of sheet material. Modifying Greynolds with the conveyor belt of Hedley would necessarily change the principle of operation of Greynolds. It is unclear whether simply modifying Greynolds with the conveyor belt of Hedley would even work, since such a combination would not provide any mechanism for adapting the continuous flow output of an endless conveyor belt to the step-by-step input of a thermoplastic trim press.

Fourth, it is respectfully submitted that there is no showing that the combination of Greynolds and Hedley would teach or suggest all of the limitations of Claim 1. Although Hedley may disclose a conveyor belt, this is not the same thing as “an endless

belt conveyor having a conveyor belt with a top facing side extending from an intake end to a discharge end and a motor connected to the belt to drive the belt, the conveyor mounted adjacent to a trim press to extend upwardly from horizontal from the intake end to the discharge end to feed the trim press with plastic sheet discharged from the discharge end.” For example, the conveyor of Hedley is “driven from the ground wheel 27 through a chain and sprocket drive, so that the conveyor belt 36 is moving only when the tractor is moving” (col. 3, lines 20-24 in Hedley). In contrast, the conveyor belt of applicant’s invention includes “a motor connected to the belt to drive the belt.”

In summary, reconsideration of the rejection of Claim 1 as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley is respectfully requested, for at least four reasons. First, Hedley is not analogous prior art. Second, the Office Action has not shown any motivation to combine Greynolds and Hedley that is found in the prior art and not as a result of impermissible hindsight using applicant’s disclosure. Third, it is respectfully submitted that there is no motivation to modify Greynolds with the conveyor belt of Hedley because such a modification would change the principle of operation of Greynolds. Fourth, there is no showing that the combination of Greynolds and Hedley would teach or suggest all of the limitations of Claim 1.

In the Office Action of December 23, 2003, Claim 2 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley, further in view of U.S. Pat. No. 4,976,298 to Gibson (“Gibson”) and U.S. Pat. No. 3,985,055 to Cornell (“Cornell”). Claim 2 depends directly from Claim 1 and incorporates the features thereof, so reconsideration of the rejection of Claim 2 under §103(a) is respectfully requested in light of

the foregoing discussion of Greynolds and Hedley with respect to Claim 1, and for at least three additional reasons discussed below.

First, it is respectfully submitted that Gibson and Cornell are not analogous prior art. Gibson is in the field of woodworking, and Cornell is in the field of sawmills, very different fields than the field of plastic thermoforming equipment. Problems such as scratching of the plastic material, generation of plastic dust, stretching of the plastic material, and reduced setup time for different thermoplastic parts that are addressed by applicant's invention simply do not appear in woodworking and sawmills, so the fields of woodworking and sawmills are not reasonably pertinent to applicant's invention.

Second, it is respectfully submitted that the Office Action has not identified any suggestion or motivation to combine features of the Greynolds, Hedley, Gibson, and Cornell devices to form applicant's invention of Claim 2, where the suggestion or motivation to combine is found in the prior art and not as a result of impermissible hindsight using applicant's disclosure. Thus, even hypothetically assuming that Greynolds, Hedley, Gibson, and Cornell would all constitute analogous prior art that could properly be combined, that combination would still be improper. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

The Office Action asserts that it "would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the guide wheel and means for mounting the guide wheel as taught by Gibson in order to obtain a device to hold down the sheet and prevent from kicked back." However, the Office Action has not shown that the prior art teaches any such motivation to combine features of the Greynolds, Hedley, Gibson, and Cornell devices to form applicant's invention of Claim 2.

Third, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, Gibson, and Cornell would teach or suggest all of the limitations of Claim 2. The Office Action takes “Official Notice that the use of more than one guide wheels are old and well known in the art at the time the invention was made for the purpose of holding larger web area.” However, applicant respectfully traverses the Official Notice regarding use of more than one guide wheel, since that assertion is not “capable of such instant and unquestionable demonstration as to defy dispute.” *In re Knapp Monarch Co.*, 296 F.2d 230 (CCPA 1961).

Further, although Gibson may disclose a guide wheel, this is not the same thing as “a pair of guide wheels in position to selectively press against a plastic sheet supported on a top facing side of the conveyor belt at a position proximate to the intake end of the conveyor.” For example, the guide wheel of Gibson is mounted “adjacent a saw ... which effects the ripping action of woodworking operations” (col. 1, lines 48-50), where it is used to address the problem of kickback of material being rip sawed. In contrast, the pair of guide wheels of applicant’s invention of Claim 2 are mounted “at a position proximate the intake end of the conveyor.”

In the Office Action of December 23, 2003, Claim 4 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley, further in view of U.S. Pat. No. 4,055,859 to Green (“Green”). Claim 4 depends directly from Claim 1, and incorporates the features thereof, so reconsideration of the rejection of Claim 4 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds and Hedley with respect to Claim 1, and for at least three additional reasons discussed below.

First, it is respectfully submitted that Green is not analogous prior art. The invention of Green relates to a machine for making a garment, and in particular to a machine for forming and severing the neck loop of a garment. Problems such as scratching of the plastic material, generation of plastic dust, stretching of the plastic material, and reduced setup time for different thermoplastic parts that are addressed by applicant's invention simply do not appear in garment manufacturing, so the field of garment manufacturing is not reasonably pertinent to applicant's invention.

Second, it is respectfully submitted that the Office Action has not identified any suggestion or motivation to combine features of the Greynolds, Hedley, and Green devices to form applicant's invention of Claim 4, where the suggestion or motivation to combine is found in the prior art and not as a result of impermissible hindsight using applicant's disclosure. Thus, even hypothetically assuming that Greynolds, Hedley, and Green would all constitute analogous prior art that could properly be combined, that combination would still be improper. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

The Office Action asserts that it "would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the limit switch and the trip rod as taught by Green in order to obtain a device to shut down the conveyor when the system is exhausted." However, the Office Action has not shown that the prior art teaches any such motivation to combine features of the Greynolds, Hedley, and Green devices to form applicant's invention of Claim 4.

Third, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Green would teach or suggest all of the limitations of Claim 4. Although the Office Action identifies "a limit switch (122 and 123) and a trip rod 115" in

Green, applicant's review of Green shows that item 122 is "a neck pull and cut mechanism (col. 6, line 18 in Green), item 123 is a "depending roller" (col. 6, line 21 in Green), and item 115 is a "pivotally supported dancer arm" (col. 5, line 60 in Green).

Even assuming that the Office Action's identification of a limit switch was in reference to items 222 and 223 in Green, these are still not the same as the "means for detecting a plastic sheet extending outwardly from the discharge end of the conveyor belt a selected distance and for controlling the motor of the conveyor to shut off power to the motor when a section of plastic sheet exiting the conveyor extends the selected distance from the discharge end, and for supplying power to the motor to drive the conveyor when the plastic sheet exiting from the conveyor does not extend the selected distance outwardly from the discharge end of the conveyor" of Claim 4 of applicant's invention.

In the Office Action of December 23, 2003, Claim 5 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley, further in view of Green. Claim 5 depends directly from Claim 4, and incorporates the features thereof, so reconsideration of the rejection of Claim 5 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, and Green with respect to Claim 4.

Further, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Green would teach or suggest all of the limitations of Claim 5. Although the Office Action identifies "a limit switch (122 and 123) and a trip rod 115" in Green, and even assuming that the Office Action's identification of a limit switch was in reference to items 222 and 223 in Green, these are still not the same as the "limit switch with a trip rod extending therefrom mounted such that the trip rod is spaced a selected distance from the discharge end of the conveyor in position to be contacted by a section of

plastic sheet discharged from the conveyor, the limit switch electrically connected to the motor for the conveyor to shut off power to the motor when a section of plastic sheet is in contact with the trip rod so as to trip the limit switch, and to supply power to the motor to drive the conveyor when the plastic sheet exiting from the conveyor is out of contact with the trip rod” of Claim 5 of applicant’s invention.

The Office Action of December 23, 2003 does not provide any explicit discussion of the rejection of Claim 6. However, since the Office Action’s discussion of the rejection of Claims 4 and 5 includes a discussion of the blower feature found in Claim 6, that discussion will be assumed to refer to Claim 6 as well. Claim 6 depends directly from Claim 4, and incorporates the features thereof, so reconsideration of the rejection of Claim 6 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, and Green with respect to Claim 4.

Further, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Green would teach or suggest all of the limitations of Claim 6. The Office Action takes “Official Notice that the use of a blower is old and well known in the art at the time the invention was made for the purpose of removing the sticky material.” However, applicant respectfully traverses the Official Notice regarding use of a blower, since that assertion is not “capable of such instant and unquestionable demonstration as to defy dispute.” *In re Knapp Monarch Co.*, 296 F.2d 230 (CCPA 1961).

Applicant respectfully points out that the blower of applicant’s invention of Claim 6 is not for “removing the sticky material,” so it is not seen that removing sticky material would provide any motivation to add a blower to the combination of Greynolds and Hedley . In any case, “use of a blower ... for the purpose of removing the sticky material” is

not the same thing as the “blower mounted beneath the discharge end of the conveyor to blow air outwardly to push the plastic sheet exiting from the conveyor away from the discharge end of the conveyor” of Claim 6 of applicant’s invention.

In the Office Action of December 23, 2003, Claim 7 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley. Claim 7 depends directly from Claim 1, and incorporates the features thereof, so reconsideration of the rejection of Claim 7 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds and Hedley with respect to Claim 1.

Further, it is respectfully submitted that there is no showing that the combination of Greynolds and Hedley would teach or suggest all of the limitations of Claim 7, since there has been no showing that these references teach any apparatus wherein the “conveyor belt is formed of a flexible plastic material having a selected coefficient of friction with regard to plastic sheet material to be supported by the conveyor.”

In the Office Action of December 23, 2003, Claim 8 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley. Claim 8 depends directly from Claim 1, and incorporates the features thereof, so reconsideration of the rejection of Claim 8 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds and Hedley with respect to Claim 1.

Further, it is respectfully submitted that there is no showing that the combination of Greynolds and Hedley would teach or suggest all of the limitations of Claim 8, since there has been no showing that these reference teach any apparatus with a “top facing surface of the conveyor extending at an angle of approximately 30 from horizontal from the intake end to the discharge end of the conveyor.”

In the Office Action of December 23, 2003, Claim 9 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley, further in view of U.S. Pat. No. 4,150,751 to Romagnoli (“Romagnoli”). Claim 9 depends directly from Claim 1, and incorporates the features thereof, so reconsideration of the rejection of Claim 9 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds and Hedley with respect to Claim 1, and for at least three additional reasons discussed below.

First, it is respectfully submitted that Romagnoli is not analogous prior art. The invention of Romagnoli relates to a tablet feeder for filling “blister packs” with tablets. Problems such as scratching of the plastic material, generation of plastic dust, stretching of the plastic material, and reduced setup time for different thermoplastic parts that are addressed by applicant’s invention do not appear in the field of tablet packaging, so the field of tablet packaging is not reasonably pertinent to applicant’s invention of Claim 9.

Second, it is respectfully submitted that the Office Action has not identified any suggestion or motivation to combine features of the Greynolds, Hedley, and Romagnoli devices to form applicant’s invention of Claim 9, where the suggestion or motivation to combine is found in the prior art and not as a result of impermissible hindsight using applicant’s disclosure. Thus, even hypothetically assuming that Greynolds, Hedley, and Romagnoli would all constitute analogous prior art that could properly be combined, that combination would still be improper. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

The Office Action asserts that it “would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds’s device by providing curved guides rods as taught by Romagnoli in order to endure the correct filling of the product.” However, the Office Action has not shown that the prior art teaches

any such motivation to combine features of the Greynolds, Hedley, and Romagnoli devices to form applicant's invention of Claim 9. Further, applicant respectfully points out that there is no "filling of the product" in applicant's invention of Claim 9, so it is not seen why there would be any motivation to provide "curved guides rods as taught by Romagnoli in order to endure the correct filling of the product" to form an apparatus according to applicant's invention of Claim 9.

Third, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Romagnoli would teach or suggest all of the limitations of Claim 9. Although the Office Action identifies "curved guides rods (21 and 22)" in Romagnoli, these are not the same thing as the "curved guide rods extending above and below the position of plastic sheet exiting from the discharge end of the conveyor and formed to guide the plastic sheet to a position where it is fed into the trim press" of Claim 9.

In the Office Action of December 23, 2003, Claim 10 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley, further in view of Romagnoli. Claim 10 depends directly from Claim 9, and incorporates the features thereof, so reconsideration of the rejection of Claim 10 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, and Romagnoli with respect to Claim 9.

Further, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Romagnoli would teach or suggest all of the limitations of Claim 10. The Office Action takes "Official Notice that the use of means for adjusting the guide rods is old and well known in the art for the purpose of properly aligning the work path." However, applicant respectfully traverses the Official Notice regarding use of means for adjusting the guide rods, since that assertion is not "capable of such instant and

unquestionable demonstration as to defy dispute.” *In re Knapp Monarch Co.*, 296 F.2d 230 (CCPA 1961).

In the Office Action of December 23, 2003, Claim 11 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley further in view of Cornell. However, applicant respectfully submits that the combination of the Greynolds, Hedley, and Cornell references does not establish a prima facie case of obviousness of Claim 11, for at least five reasons, as explained in more detail below.

First, Hedley is not analogous prior art, as discussed in reference to Claim 1. Second, as discussed in reference to Claim 1, the Office Action has not shown any motivation to combine Greynolds, Hedley, and Cornell that is found in the prior art and not as a result of impermissible hindsight using applicant’s disclosure. Third, as discussed in reference to Claim 1, it is respectfully submitted that there is no motivation to modify Greynolds with the conveyor belt of Hedley because such a modification would certainly change the principle of operation of Greynolds.

Fourth, there is no showing that the combination of Greynolds, Hedley, and Cornell would teach or suggest all of the limitations of Claim 11. For example, although Hedley may disclose a conveyor belt, this is not the same thing as the “endless belt conveyor mounted to the frame having a conveyor belt with a top facing side extending from an intake end to a discharge end and a motor connected to the belt to drive the belt, the conveyor mounted to the frame to extend upwardly from horizontal from the intake end to the discharge end when the feed apparatus is installed to feed a trim press” required by Claim 11 of applicant’s invention. Fifth, it is respectfully submitted that Cornell is not analogous prior art, as discussed in reference to Claim 2.

In the Office Action of December 23, 2003, Claim 12 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley and Gibson. Claim 12 depends directly from Claim 11 and incorporates the features thereof, so reconsideration of the rejection of Claim 12 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds and Hedley with respect to Claim 11, and for at least three additional reasons discussed below.

First, it is respectfully submitted that Gibson is not analogous prior art, as discussed in reference to Claim 2. Second, it is respectfully submitted that the Office Action has not identified any suggestion or motivation to combine features of the Greynolds, Hedley, and Gibson devices to form applicant's invention of Claim 12, where the suggestion or motivation to combine is found in the prior art and not as a result of impermissible hindsight using applicant's disclosure.

Third, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Gibson would teach or suggest all of the limitations of Claim 12. Applicant respectfully traverses the Official Notice regarding use of more than one guide wheel, since that assertion is not "capable of such instant and unquestionable demonstration as to defy dispute." *In re Knapp Monarch Co.*, 296 F.2d 230 (CCPA 1961). Further, although Gibson may disclose a guide wheel, this is not the same thing as "a pair of guide wheels positioned to selectively press against a plastic sheet supported on a top facing side of the conveyor belt at a position proximate to the intake end of the conveyor and means for mounting the guide wheels to the frame for adjustment of the lateral position of the guide wheels."

In the Office Action of December 23, 2003, Claim 16 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley, Cornell, and Green. Claim 16 depends directly from Claim 11 and incorporates the features thereof, so reconsideration of the rejection of Claim 16 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, and Cornell with respect to Claim 11, and for at least three additional reasons discussed below.

First, as discussed in reference to Claim 4, it is respectfully submitted that Green is not analogous prior art. Second, it is respectfully submitted that the Office Action has not identified any suggestion or motivation to combine features of the Greynolds, Hedley, and Green devices to form applicant's invention of Claim 16, where the suggestion or motivation to combine is found in the prior art and not as a result of impermissible hindsight using applicant's disclosure.

Third, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Green would teach or suggest all of the limitations of Claim 16. Although the Office Action identifies "a limit switch (122 and 123) and a trip rod 115" in Green, and even assuming that the Office Action's identification of a limit switch was in reference to items 222 and 223 in Green, these are still not the same as the "means for detecting a plastic sheet extending outwardly from the discharge end of the conveyor belt a selected distance and for controlling the motor of the conveyor to shut off power to the motor when a section of plastic sheet exiting the conveyor extends the selected distance from the discharge end, and for supplying power to the motor to drive the conveyor when the plastic sheet exiting from the conveyor does not extend the selected distance outwardly from the discharge end of the conveyor" of Claim 16 of applicant's invention.

In the Office Action of December 23, 2003, Claim 17 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley, Cornell, and Green. Claim 17 depends directly from Claim 16 and incorporates the features thereof, so reconsideration of the rejection of Claim 17 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, Cornell, and Green with respect to Claim 16.

Further, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, Cornell, and Green would teach or suggest all of the limitations of Claim 17. Although the Office Action identifies “a limit switch (122 and 123) and a trip rod 115” in Green, and even assuming that the Office Action’s identification of a limit switch was in reference to items 222 and 223 in Green, these are still not the same as the “limit switch with a trip rod extending therefrom mounted such that the trip rod is spaced a selected distance from the discharge end of the conveyor in position to be contacted by a section of plastic sheet discharged from the conveyor, the limit switch electrically connected to the motor for the conveyor to shut off power to the motor when a section of plastic sheet is in contact with the trip rod so as to trip the limit switch, and to supply power to the motor to drive the conveyor when the plastic sheet exiting from the conveyor is out of contact with the trip rod” of Claim 17 of applicant’s invention.

In the Office Action of December 23, 2003, Claim 18 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley, Cornell, and Green. Claim 18 depends directly from Claim 16 and incorporates the features thereof, so reconsideration of the rejection of Claim 18 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, Cornell, and Green with respect to Claim 16.

Further, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, Cornell, and Green would teach or suggest all of the limitations of Claim 18. Although the Office Action takes “Official Notice that the use of a blower is old and well known in the art at the time the invention was made for the purpose of removing the sticky material,” applicant respectfully traverses this Official Notice regarding use of a blower, since that assertion is not “capable of such instant and unquestionable demonstration as to defy dispute.” *In re Knapp Monarch Co.*, 296 F.2d 230 (CCPA 1961).

Applicant respectfully points out that the blower of applicant’s invention of Claim 18 is not for “removing the sticky material,” so it is not seen that removing sticky material would provide any motivation to add a blower to the combination of Greynolds and Hedley. In any case, “use of a blower ... for the purpose of removing the sticky material” is not the same thing as the “blower mounted beneath the discharge end of the conveyor to blow air outwardly to push the plastic sheet exiting from the conveyor away from the discharge end of the conveyor” of Claim 18 of applicant’s invention.

In the Office Action of December 23, 2003, Claim 19 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley, further in view of Cornell. Claim 19 depends directly from Claim 11, and incorporates the features thereof, so reconsideration of the rejection of Claim 19 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, and Cornell with respect to Claim 11.

Further it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Cornell would teach or suggest all of the limitations of Claim 19, for example an apparatus according to Claim 19 wherein the “conveyor belt is

formed of a flexible plastic material having a selected coefficient of friction with regard to plastic sheet material to be supported by the conveyor.”

In the Office Action of December 23, 2003, Claim 20 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley further in view of Cornell. Claim 20 depends directly from Claim 11, and incorporates the features thereof, so reconsideration of the rejection of Claim 20 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, and Cornell with respect to Claim 11.

Further it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Cornell would teach or suggest all of the limitations of Claim 20, for example an apparatus according to Claim 20 with a “top facing surface of the conveyor extending at an angle of approximately 30 from horizontal from the intake end to the discharge end of the conveyor.”

In the Office Action of December 23, 2003, Claim 21 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley, Cornell, and Romagnoli. Claim 21 depends directly from Claim 11, and incorporates the features thereof, so reconsideration of the rejection of Claim 21 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, and Cornell with respect to Claim 11, and for at least three additional reasons as discussed below.

First, as discussed in reference to Claim 9, it is respectfully submitted that Romagnoli is not analogous prior art. Second, it is respectfully submitted that the Office Action has not identified any suggestion or motivation to combine features of the Greynolds, Hedley, Cornell, and Romagnoli devices to form applicant’s invention of Claim 21, where the suggestion or motivation to combine is found in the prior art and not as a result of

impermissible hindsight using applicant's disclosure. Third, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, Cornell, and Romagnoli would teach or suggest all of the limitations of Claim 21, for example an apparatus according to Claim 21 "wherein the guides comprise curved guide rods extending above and below the position of plastic sheet exiting from the discharge end of the conveyor and formed to guide the plastic sheet to a position where it is fed into the trim press."

In the Office Action of December 23, 2003, Claim 22 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley, Cornell, and Romagnoli. Claim 22 depends directly from Claim 21, and incorporates the features thereof, so reconsideration of the rejection of Claim 22 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, and Cornell with respect to Claim 21.

Further, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, Cornell, and Romagnoli would teach or suggest all of the limitations of Claim 22, for example an apparatus according to Claim 22 "including means for adjustably setting the lateral positions of the curved guide rods." The Office Action takes "Official Notice that the use of means for adjusting the guide rods is old and well known in the art for the purpose of properly aligning the work path." However, applicant respectfully traverses the Official Notice regarding use of means for adjusting the guide rods, since that assertion is not "capable of such instant and unquestionable demonstration as to defy dispute." *In re Knapp Monarch Co.*, 296 F.2d 230 (CCPA 1961).

In the Office Action of December 23, 2003, Claim 23 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley and Green. However, applicant respectfully submits that the combination of the Greynolds, Hedley, and

Green references does not establish a prima facie case of obviousness of Claim 23, for at least six reasons, as explained in more detail below.

First, Hedley is not analogous prior art, as discussed in reference to Claim 1. Second, as discussed in reference to Claim 1, the Office Action has not shown any motivation to combine Greynolds, Hedley, and Green that is found in the prior art and not as a result of impermissible hindsight using applicant's disclosure. Third, as discussed in reference to Claim 1, it is respectfully submitted that there is no motivation to modify Greynolds with the conveyor belt of Hedley because such a modification would certainly change the principle of operation of Greynolds.

Fourth, there is no showing that the combination of Greynolds, Hedley, and Green would teach or suggest all of the limitations of Claim 23. For example, although Hedley may disclose a conveyor belt, this is not the same thing as "an endless belt conveyor mounted to the frame having a conveyor belt with a top facing side extending from an intake end to a discharge end and a motor connected to the belt to drive the belt" as required by Claim 23 of applicant's invention.

Fifth, as discussed in reference to Claim 4, it is respectfully submitted that Green is not analogous prior art. Sixth, as discussed in reference to Claim 4, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Green would teach or suggest all of the limitations of Claim 23. Although the Office Action identifies "a limit switch (122 and 123) and a trip rod 115" in Green, and even assuming that the Office Action's identification of a limit switch was in reference to items 222 and 223 in Green, these are still not the same as the "means for detecting a plastic sheet extending outwardly from the discharge end of the conveyor belt a selected distance and for controlling

the motor of the conveyor to shut off power to the motor when a section of plastic sheet exiting the conveyor extends at least the selected distance from the discharge end, and for supplying power to the motor to drive the conveyor when the plastic sheet exiting from the conveyor does not extend the selected distance outwardly from the discharge end of the conveyor” of Claim 23 of applicant’s invention.

In the Office Action of December 23, 2003, Claim 24 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley, Green, Gibson, and Cornell. Claim 24 depends directly from Claim 23, and incorporates the features thereof, so reconsideration of the rejection of Claim 24 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, and Green with respect to Claim 23.

Further, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, Green, Gibson, and Cornell would teach or suggest all of the limitations of Claim 24. Although Gibson may disclose a guide wheel and Cornell may disclose a guide rail, this is not the same thing as the “guide wheels in position to selectively press against a plastic sheet supported on a top facing side of the conveyor belt at a position proximate to the intake end of the conveyor and a pair of lateral guide plates in position above the top facing side of the conveyor to laterally position an incoming sheet, and means for mounting the guide wheels and the guide plates to the frame for adjustment of the lateral position of the guide wheels and the guide plates” required by Claim 24 of applicant’s invention. Applicant respectfully traverses the Official Notice regarding use of more than one guide wheel, since that assertion is not “capable of such instant and unquestionable demonstration as to defy dispute.” *In re Knapp Monarch Co.*, 296 F.2d 230 (CCPA 1961).

In the Office Action of December 23, 2003, Claim 26 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley and Green. Claim 26 depends directly from Claim 23, and incorporates the features thereof, so reconsideration of the rejection of Claim 26 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, and Green with respect to Claim 23.

Further, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Green would teach or suggest all of the limitations of Claim 26. Although the Office Action identifies “a limit switch (122 and 123) and a trip rod 115” in Green, and even assuming that the Office Action’s identification of a limit switch was in reference to items 222 and 223 in Green, these are still not the same as the “limit switch with a trip rod extending therefrom mounted such that the trip rod is spaced a selected distance from the discharge end of the conveyor in position to be contacted by a section of plastic sheet discharged from the conveyor, the limit switch electrically connected to the motor for the conveyor to shut off power to the motor when a section of plastic sheet is in contact with the trip rod so as to trip the limit switch, and to supply power to the motor to drive the conveyor when the plastic sheet exiting from the conveyor is out of contact with the trip rod” of Claim 26 of applicant’s invention.

In the Office Action of December 23, 2003, Claim 27 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley and Green. Claim 27 depends directly from Claim 23, and incorporates the features thereof, so reconsideration of the rejection of Claim 27 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, and Green with respect to Claim 23.

Further, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Green would teach or suggest all of the limitations of Claim 27. Applicant respectfully traverses the Official Notice regarding use of a blower, since that assertion is not “capable of such instant and unquestionable demonstration as to defy dispute.” *In re Knapp Monarch Co.*, 296 F.2d 230 (CCPA 1961).

Applicant respectfully points out that the blower of applicant’s invention of Claim 27 is not for “removing the sticky material,” so it is not seen that removing sticky material would provide any motivation to add a blower to the combination of Greynolds and Hedley. In any case, “use of a blower ... for the purpose of removing the sticky material” is not the same thing as the “blower mounted beneath the discharge end of the conveyor to blow air outwardly to push the plastic sheet exiting from the conveyor away from the discharge end of the conveyor” of Claim 27 of applicant’s invention.

In the Office Action of December 23, 2003, Claim 28 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley and Green. Claim 28 depends directly from Claim 23, and incorporates the features thereof, so reconsideration of the rejection of Claim 28 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, and Green with respect to Claim 23.

Further, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Green would teach or suggest all of the limitations of Claim 28, for example any apparatus wherein the “conveyor belt is formed of a flexible plastic material having a selected coefficient of friction with regard to plastic sheet material to be supported by the conveyor.”

In the Office Action of December 23, 2003, Claim 29 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley and Green. Claim 29 depends directly from Claim 23, and incorporates the features thereof, so reconsideration of the rejection of Claim 29 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, and Green with respect to Claim 23.

Further, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Green would teach or suggest all of the limitations of Claim 29, for example any apparatus with a “top facing surface of the conveyor extending at an angle of approximately 30 from horizontal from the intake end to the discharge end of the conveyor.”

In the Office Action of December 23, 2003, Claim 30 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley, Green, and Romagnoli. Claim 30 depends directly from Claim 23, and incorporates the features thereof, so reconsideration of the rejection of Claim 30 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, and Green with respect to Claim 23, and for at least three additional reasons discussed below.

First, as discussed in reference to Claim 9, it is respectfully submitted that Romagnoli is not analogous prior art. Second, it is respectfully submitted that the Office Action has not identified any suggestion or motivation to combine features of the Greynolds, Hedley, and Romagnoli devices to form applicant's invention of Claim 30, where the suggestion or motivation to combine is found in the prior art and not as a result of impermissible hindsight using applicant's disclosure. Third, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Romagnoli would teach

or suggest all of the limitations of Claim 30. Although the Office Action identifies “curved guides rods (21 and 22)” in Romagnoli, these are not the same thing as the “curved guide rods mounted to the frame and extending above and below the position of plastic sheet exiting from the discharge end of the conveyor and formed to guide the plastic sheet to a position where it may be fed into a trim press” of Claim 30 of applicant’s invention.

In the Office Action of December 23, 2003, Claim 31 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Greynolds in view of Hedley, Green, and Romagnoli. Claim 31 depends directly from Claim 30, and incorporates the features thereof, so reconsideration of the rejection of Claim 31 under §103(a) is respectfully requested in light of the foregoing discussion of Greynolds, Hedley, Green, and Romagnoli with respect to Claim 30.

Further, it is respectfully submitted that there is no showing that the combination of Greynolds, Hedley, and Romagnoli would teach or suggest all of the limitations of Claim 31, for example the “means for adjustably setting the lateral positions of the guide rods” required by Claim 31. Applicant respectfully traverses the Official Notice regarding use of means for adjusting the guide rods, since that assertion is not “capable of such instant and unquestionable demonstration as to defy dispute.” *In re Knapp Monarch Co.*, 296 F.2d 230 (CCPA 1961).

In light of the preceding discussion, Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Respectfully submitted,

Date March 23, 2004

By 

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